

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORHTERN DIVISION

WILLIE R. STRICKLAND (AIS #226537),	*	
Plaintiff,	*	
v.	*	CV- 2:05-cv-931
	*	
SAMUEL RAYAPATI, ET AL.,	*	
Defendants.	*	

MOTION TO STRIKE

COME NOW defendants Prison Health Services, Inc. (incorrectly named in Plaintiff's Complaint as "Prison Health Service inc."), Samuel Rayapati, M.D., Ruth Morris, R.N. (named in Plaintiff's Complaint as "Nurse Morris"), and Linda Floyd, C.R.N.P. (incorrectly named in Plaintiff's Complaint as "Dr. Floyd, PRN") by and through counsel of record and move this Honorable Court to strike from evidence the public consent order and public consent order terminating probation, and any references thereto, attached as exhibits to plaintiff Strickland's Answer and in support thereof show as follows:

1. The public consent order and public consent order terminating probation filed as exhibits to plaintiff's Answer are inadmissible pursuant to a Rule 404 (b) and Rule 403 of the Federal Rules of Evidence.

WHEREFORE, these defendants move this Honorable Court to Strike the public consent order terminating probation and the public consent order presented by plaintiff Strickland as exhibits to his Answer.

Respectfully submitted,

s/L. Peyton Chapman, III
Alabama State Bar Number CHA060
s/R. Brett Garrett
Alabama State Bar Number GAR085
Attorneys for Defendants PHS,
Samuel Rayapati, M.D., Ruth Morris,
R.N. and Linda Floyd, C.R.N.P.

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing by placing a copy of same in the U.S. Mail, properly addressed and postage prepaid upon:

Willie Strickland (AIS# 226537)
Ventress Correctional Facility
P.O. Box 767
Clayton, AL 36016

on this the 11th day of January, 2006.

s/R. Brett Garrett
Alabama State Bar Number GAR085